



The Commonwealth of Massachusetts

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# Press Release

## Brutal Brookline rape gets 20 to 25 year sentences

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Two men have been sentenced to two decades in State Prison after admitting they kidnapped a young woman off the street in Brookline, forced her into a truck and brutally raped her in 2009.

Jose Arita, DOB 1-16-84, of Leicester St. Brighton, and Ismael Martinez, DOB 2-13-83, of Norombega Terrace in Waltham, each pled guilty to two counts of aggravated rape, one count of kidnapping involving a sex assault, indecent assault and battery and assault and battery causing serious bodily injury.

“This was a horrific crime solved by strong, professional police work by the Brookline Police Department,” District Attorney Keating said after the men had pled guilty to all the charges they faced. “The strength of the evidence they developed in this case, along with the victim's courage in agreeing to pursue charges, most certainly contributed to the defendants' decision to admit guilt despite our office's request for a 35 to 40 year sentence.”

Arita and Martinez pled guilty Dec. 6. Assistant Norfolk District Attorney Michele M. Armour, Chief of Keating's sex assault prosecution unit, requested 35 to 40 years in state prison with 20 years probation after that sentence to include a stay away order from the victim, GPS monitoring, sex offender counseling, enforced abstinence from drugs and alcohol, submission of a DNA sample and sex offender registry.

Defense attorneys John Gibbons for Mr. Martinez and Lisa Freije for Mr. Arita requested 18 to 20 years in state prison followed by probation. Judge Janet Sanders ordered 20 to 25 years with 5 years probation to follow.

On August 18, 2009, at approximately 4:23 am, the Brookline Police Department responded to report of a sexual assault. Police responded and met with the 30 year old victim who was visibly shaken and had red marks across the front of her neck.

The victim reported that she arrived at Logan Airport from California at about 1:45 am and took a cab to Brookline. She had the driver stop at an ATM and withdrew cash for the fare and then proceeded toward her residence via Harvard Street with her luggage. After a few minutes, the victim noticed that a man was following her. She stopped at an intersection and was struck behind. She believed she lost consciousness for a few seconds. The man started choking her and then dragged her into a red pickup truck throwing her luggage into the back of the truck.

The man forced the victim into the back seat of the truck and a second man, the driver, drove to an unknown, dark parking lot. The driver turned the vehicle off and also moved into the back seat. The victim said “what do you want” and they told her not to make any noise and assaulted her.

The Brookline Police obtained video footage from various surveillance cameras in Brookline. The cameras captured images of the victim's cab, the victim going to the ATM, the victim returning to the cab, a red pickup truck passing her, the truck passing her again as she walked up the street. A still photograph of the truck was publicized as well as a description of the perpetrators.

On August 19, 2009, officers from the Boston Police Department contacted detectives from Brookline. The Boston officers informed them that they assisted the State Police with a motor vehicle stop a few weeks ago involving a red pickup truck and two Hispanic males. The trooper involved identified the operator of the truck as the defendant, Jose Arita -- and also indicated that the truck was full of CDs. The truck was registered to one of Mr. Arita's relatives.

The officers located Mr. Arita's vehicle and photographed it. They noted that the unique decals on the truck and other identifying features corresponded with the decals observed on the surveillance videotape. The victim was brought to the vehicle and stated that the truck was just like the one used in the incident. Investigation by Brookline Police, including Sgt. Bill Riley and Detective Tom O'Leary, soon identified Martinez. Through their investigation, DNA evidence from the two defendants was found to match DNA samples taken from the victim's person hours after the assault. The victim also identified the defendants from photo arrays.

Arita and Martinez are both originally from Guatemala. ICE detainees have been lodge for both men and they will be subject to deportation proceedings after their prison terms.

*Any and all defendants mentioned are legally innocent until proven guilty.*